

# Notice of Allowability

Application No.

09/669,664

Examiner

Deborah A. Raizen

Applicant(s)

NURISHI, RYUJI

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## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment of 9/3/2004 and Supplemental Response of 9/27/2004.
2. ☒ The allowed claim(s) is/are 1-12 and 15-21.
3. ☒ The drawings filed on 26 September 2000 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 0304 (March 31, 04)
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### REASONS FOR ALLOWANCE

1. Claims 1-12 and 15-21 are allowed.

The following is an examiner's statement of reasons for allowance:

In regard to claims 1-11, 15-17, 18/(15-17), and 19/18/(15-17), see previous Office actions.

The prior art taken either singularly or in combination fails to anticipate or fairly suggest the limitations of claim 12, in such a manner that a rejection under 35 U.S.C. 102 or 103 would be proper.

The prior art fails to teach a combination of all the features in claim 12. For example, these features include the detailed structure recited, especially the limitations that the first and second lens units are in order, that the second lens unit, which comprises an image-stabilizing means, has positive refractive power, and that the second lens unit is stationary during variation of magnification, and also the condition that the Abbe number of a negative lens is greater than the Abbe number of a positive lens in the image-stabilizing means by more than 10, in combination with all the other limitations of the claim.

For example, the zoom lens disclosed in Aoki (5,721,641, cited in IDS of 3/4/2004 and previously used to reject claim 12) does not meet the recited condition. The zoom lenses disclosed in published Japanese applications 11-237551 and 11-311742 (in Example 4, Table 19, the signs of r13 and r14 are interchanged, as can be seen from Fig. 4) also do not meet the recited condition. The zoom lenses disclosed in Hamano et al. (6,473,231), especially examples 7-9, also do not meet the recited condition: although the third lens group has a negative lens and a positive lens that meet the recited condition, the positive lens that has low Abbe number and the

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negative lens that has high Abbe number are not in the subunit that is shifted. Hayakawa (6,384,975) discloses lenses that appear to meet the recited condition, but the lenses are not zoom lenses and lens group L2 (the first lens unit as recited in claim 12) is arranged to move only for focusing and not during variation of magnification.

Claims 18/12, 19/18/12, 20, and 21 depend on claim 12 and are therefore allowed as well.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Deborah A. Raizen, Ph.D., J.D., whose telephone number is (571) 272-2336. The examiner can normally be reached on Monday-Friday, from 10:00 a.m. to 3:00 p.m. Eastern Standard Time (a part-time schedule).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Y. Epps can be reached at (571) 272-2328. The USPTO central official fax number is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. For access to the Private PAIR system, contact the

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Electronic Business Center (EBC) at 866-217-9197 (toll-free) or at 703-305-3028 or at 703-308-

6845, or by e-mail at: [ebc@uspto.gov](mailto:ebc@uspto.gov). Additional information is available on the Patent EBC

Web site at: <http://www.uspto.gov/ebc/index.html>.

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A handwritten signature in black ink, appearing to read "Scott J. Sugarman". The signature is stylized with a large, looped "S" and "J".

**Scott J. Sugarman**  
**Primary Examiner**